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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ORTIZ, BELIX M	
			ART UNIT	PAPER NUMBER
			2164	
DATE MAILED: 12/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/813,858

**Applicant(s)**

SPRING ET AL.

**Examiner**

Belix M. Ortiz

**Art Unit**

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 13 recite the limitation "wherein the plurality of environments enable the publishing pipeline to perform parallel development and publication of the media contents and data", which is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21, 23-27, 31-33, and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Lumera et al. (U.S. publication 2004/0083377).

As to claim 1, Lumera et al. teaches a content management system for media publishing (see figure 3 and paragraph 2), comprising:

a plurality of content management tools for managing media contents during a publication process (see figure 4 and paragraph 10); and

a publishing pipeline configured to operate in concert with the plurality of content management tools during the publication process to control development, distribution, and access of the media contents (see paragraphs 24 and 32),

wherein the publishing pipeline provides a plurality of environments for staged and organized development and publication of the media contents (see paragraphs 5 and 32).

As to claim 2, Lumera et al. teaches wherein the plurality of environments includes a development/production environment (see paragraph 32).

As to claim 3, Lumera et al. teaches the system further comprising:  
a producer configured to create and edit templates of media items and associated data in the development/production environment (see paragraph 6).

As to claim 4, Lumera et al. teaches wherein the plurality of environments includes a staging environment (see paragraphs 5 and 6).

As to claim 5, Lumera et al. teaches wherein the plurality of environments includes a live environment (see paragraphs 4, 25, and 26).

As to claim 6, Lumera et al. teaches wherein the publishing pipeline includes a plurality of producers configured to push new media content through the publishing pipeline onto the live environment (see paragraphs 4, 23, and 24).

As to claim 7, Lumera et al. teaches wherein the plurality of content management tools allows each producer to manage taxonomies and editorial content of various types of websites (see paragraph 6).

As to claim 8, Lumera et al. teaches wherein the content management system is a system resident on a client computer (see paragraph 26).

As to claim 9, Lumera et al. teaches wherein the content management system includes a .net based application (see paragraph 24).

As to claim 10, Lumera et al. teaches wherein the plurality of content management tools includes taxonomies to define an overall dynamic site content structure of the content management system (see paragraphs 13 and 24).

As to claim 11, Lumera et al. teaches wherein the plurality of content management tools includes a create-once-render-everywhere (CORE) user interface manager to support building, editing, and publishing a media project including media contents (see figure 1 and paragraphs 15 and 24).

As to claim 12, Lumera et al. teaches a method of managing media contents and data (see figure 3 and paragraph 2), comprising:

providing a plurality of content management tools (see figure 4 and paragraph 10); and

configuring a publishing pipeline to operate in concert with the plurality of content management tools during a publication process to control development, distribution, and access of the media contents and data (see paragraphs 24 and 32),

wherein the configuring a publishing pipeline provides a plurality of environments for staged and organized development and publication of the media contents and data (see paragraphs 5 and 32).

As to claim 13, Lumera et al. teaches wherein the plurality of environments enable the publishing pipeline to perform parallel development and publication of the media contents and data (see figures 2 and 3).

As to claim 14, Lumera et al. teaches wherein the plurality of environments includes a development/production environment, a staging environment, and a live environment (see paragraphs 4-6, 25-26, and 32).

As to claim 15, Lumera et al. teaches the method further comprising:  
maintaining a separate storage for each environment (see paragraphs 6 and 8).

As to claim 16, Lumera et al. teaches the method further comprising:  
creating and editing templates of media contents and associated data in  
the development production environment (see paragraphs 2 and 5-6).

As to claim 17, Lumera et al. teaches the method further comprising:  
migrating the templates of media contents and associated data to the  
staging environment (see paragraph 24).

As to claim 18, Lumera et al. teaches the method further comprising:  
testing and reviewing the templates of media contents and associated  
data in the staging environment (see paragraphs 24 and 32).

As to claim 19, Lumera et al. teaches the method further comprising:  
migrating the tested and reviewed templates of media contents and  
associated data to the live environment (see paragraph 13).

As to claim 20, Lumera et al. teaches the method further comprising:  
enabling users to access the templates of media contents and associated data in  
the live environment for member publishing (see paragraph 24).

As to claim 21, Lumera et al. teaches the method further comprising:



allowing producers to import new media contents and associated data into a table in the live environment (see paragraphs 4 and 23-26).

As to claim 23, Lumera et al. teaches wherein the configuring a publishing pipeline includes providing a developing/production environment (see paragraph 32).

As to claim 24, Lumera et al. teaches wherein the configuring a publishing pipeline includes providing a staging environment (see paragraphs 5 and 6).

As to claim 25, Lumera et al. teaches wherein the configuring a publishing pipeline includes providing a live environment (see claim 5).

As to claim 26, Lumera et al. teaches wherein the configuring a publishing pipeline includes pushing new media content through the publishing pipeline onto the live environment (see paragraphs 23-24).

As to claim 27, Lumera et al. teaches wherein the providing a plurality of content management tools includes managing taxonomies and editorial content of various types of websites (see paragraph 6).

As to claim 31, Lumera et al. teaches a computer program, stored in a tangible storage medium, for use in managing media contents (see figure 4 and paragraph 37), the program comprising executable instructions that cause a computer to:

provide a plurality of content management tools (see figure 4 and paragraph 10); and

configure a publishing pipeline to operate in concert with the plurality of content management tools during publication process to control access and distribution of the media contents (see paragraphs 24 and 32),

wherein the publishing pipeline provides a plurality of environments for staged and organized development and publication of the media contents (see paragraphs 5 and 32).

As to claim 32, Lumera et al. teaches wherein the configuring a publishing pipeline includes pushing new media content through the publishing pipeline onto the live environment (see paragraphs 23-24).

As to claim 33, Lumera et al. teaches wherein the providing a plurality of content management tools includes managing taxonomies and editorial content of various types of websites (see paragraph 6).

As to claim 35, Lumera et al. teaches a content management system for media publishing (see figure 3 and paragraph 2) comprising:

a content management means for managing media contents during a publication process (see figure 4 and paragraph 10); and

a pipeline means for operating in concert with the content management means during the publication process to control access and distribution of the media contents (see paragraphs 24 and 32),

wherein the pipeline means provides a plurality of environments for staged and organized development and publication of the media contents (see paragraphs 5 and 32).

As to claim 36, Lumera et al. teaches a content management system for media publishing (see figure 3 and paragraph 2), comprising:

a content management means for managing media contents during a publication process (see figure 4 and paragraph 10); and

a pipeline means for operating in concert with the content management means during the publication process to control development, distribution, and access of the media contents (see paragraphs 24 and 32),

wherein the pipeline means provides a plurality of environments for staged and organized development and publication of the media contents (see paragraphs 5 and 32).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lumera et al. (U.S. publication 2004/0093377) in view of Higgins (U.S. patent 5,270,922).

As to claim 22, Lumera et al. does not teach the method further comprising:

flagging the new media contents and associated data when the producer imports new media contents and associated data into the table.

Higgins teaches system for distributing, processing and displaying financial information (see abstract), in which he teaches the method further comprising:

flagging the new media contents and associated data when the producer imports new media contents and associated data into the table (see column 7, lines 29-45).

Therefore, it would have been obvious to a person having ordinary skill in

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the art at the time the invention was made to have modified Lumera et al. to include the method further comprising:

flagging the new media contents and associated data when the producer imports new media contents and associated data into the table.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Higgins, because the method further comprising:

flagging the new media contents and associated data when the producer imports new media contents and associated data into the table, would enable the method to know when new data or information is added to the content of the table.

5. Claims 28-29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumera et al. (U.S. publication 2004/0093377) in view of Tabbara et al. (U.S. patent 6,460,043).

As to claims 28 and 34, Lumera et al. does not teach the method further comprising:

storing the taxonomies as a flat table of individual nodes that have parent links and associated data.

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Tabbara et al. teaches method and apparatus for operating on data with a conceptual data manipulation language (see abstract), in which he teaches the method further comprising:

storing the taxonomies as a flat table of individual nodes that have parent links and associated data (see column 37, lines 48-55).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. to include the method further comprising:

storing the taxonomies as a flat table of individual nodes that have parent links and associated data.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Tabbara et al., because the method further comprising:

storing the taxonomies as a flat table of individual nodes that have parent links and associated data, would enable the method to have fast respond to the user when he/she make a request.

As to claim 29, Lumera et al. as modified teaches wherein the associated data includes a business name (see Tabbara et al., column 8, lines 16-26).

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lumera et al. (U.S. publication 2004/0093377) in view of Love et al (U.S. publication 2004/0215725).

As to claim 30, Lumera et al. does not wherein the taxonomies are configured in a tree structure.

Love et al. teaches system and method for multi-platform queue queries (see abstract), in which he teaches wherein the taxonomies are configured in a tree structure (see claim 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. to include wherein the taxonomies are configured in a tree structure.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Love et al., because wherein the taxonomies are configured in a tree structure, would enable the method to have an easy display to the user.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is (571)-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571)- 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

bmo

December 8, 2004.

  
**SAM RIMELL**  
PRIMA ~~TE~~ YAMINER